

UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF NEW HAMPSHIRE

Samuel J. Bourne

v.

Civil No. 05-cv-365-JD

Town of Madison, et al.

O R D E R

Samuel J. Bourne has filed his appearance and is proceeding pro se in this case. At the present time, the trial is scheduled to begin on January 20, 2010. Bourne has filed a motion for summary judgment on the individual defendants' defamation counterclaim, a motion for summary judgment on his claim of intentional inference with contractual relationships, a motion for relief under Federal Rule of Civil Procedure 60 from prior court orders, a motion to strike the Town of Madison's pretrial statement, and a motion in limine to preclude some of the defendants' evidence. The individual defendants filed a motion to dismiss their defamation counterclaim and a motion to excuse them from filing final pretrial materials. The Town of Madison filed a motion in limine to limit the damages Bourne may recover under his remaining claim of intentional interference with contractual relationships.

Before the case can proceed, however, a question about the defendants' status must be resolved. As the court noted in its

prior order, it appears that the defendants have not filed an answer in response to Bourne's amended complaint, which was filed on December 5, 2006. Therefore, to proceed, the defendants must show cause why default should not be entered against them. See Fed. R. Civ. P. 55(a). Further, because of Bourne's pending motions for summary judgment and for relief under Rule 60 and the issue of default, the trial date must be rescheduled.

Conclusion

For the foregoing reasons, the defendants shall file a memorandum **on or before January 8, 2010**, to show cause why default should not be entered against them, failing which default shall be entered.

The trial in this case, which is now scheduled to begin on January 20, 2010, will be continued to a date to be determined after the issue of default and the motions for summary judgment are resolved. The final pretrial conference scheduled for 11:00 am on January 6, 2010, is cancelled.

SO ORDERED.

  
Joseph A. DiClerico, Jr.  
United States District Judge

December 30, 2009

cc: Samuel J. Bourne, pro se  
Brian J.S. Cullen, Esquire  
Richard D. Sager, Esquire